July 2011 Volume 5, No. 3

United States Environmental Protection Agency, Region 4

EPCRA NEWSLETTER

INSIDE THIS ISSUE:

Visit http://www.nasttpo.com/home/ for information on the National Association of SARA Title III Program Officials (NASTTPO).

Visit http://www.census.gov/epcd/www/naics.html for more information on the North American Industry Classification System (NAICS) and how it provides new information on industries.

Envirofacts (http://www.epa.gov/enviro/index.html) allows you to search for environmental information in your neighborhood.

EPA Announces Actions on Two Chemicals to Reduce Harm to People

The U.S. Environmental Protection Agency (EPA) has released action plans to address the potential health risks of methylene diphenyl diisocyanate (MDI), toluene diisocyanate (TDI), and related compounds. Americans may be exposed to these chemicals when they are used in certain applications such as spray foam insulation, sealing concrete or finishing floors. The action plans are part of Administrator Lisa P. Jackson's commitment to enhance EPA's chemical management program. The plans identify a range of actions the agency is considering under the authority of the Toxic Substances Control Act.

"There has been an increase in recent years in promoting the use of foams and sealants by do-it-yourself energy-conscious homeowners, and many people may now be unknowingly exposed to risks from these chemicals," said Steve Owens, assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention. "EPA is working to protect the health of the American people and the environment."

Diisocyanates are used to make polyurethane polymers. Most polyurethane products, such as foam mattresses or bowling balls, are fully reacted or "cured," and are not of concern. Some products, however, such as adhesives, coatings, and spray foam, continue to react while in use, and may contain "uncured" diisocyanates to which people may be exposed.

Diisocyanates are known to cause severe skin and breathing responses in workers who have been repeatedly exposed to them. The chemicals have been documented as a leading cause of work-related asthma, and in severe cases, fatal reactions have occurred. To protect worker health, the Occupational Safety and Health Administration (OSHA) regulates workplace exposures through permissible exposure limits. In contrast to the availability of exposure data for professionals who work with diisocyanates, there is very limited information available about the use and exposure patterns of consumers who may be exposed to products containing uncured MDI and TDI. EPA plans to carefully consider the potential risks from consumer exposure to these chemicals.

Actions to address concerns associated with TDI, MDI, and related compounds include issuing rules to call in data on any past allegations of significant adverse effects, obtain unpublished health and safety data from industry sources, require exposure monitoring studies for consumer products, and possibly ban or restrict consumer products containing uncured MDI or TDI. EPA will continue to work with other federal agencies, the polyurethanes industry, and others to ensure improved labeling and provide comprehensive product safety information for polyurethane products containing uncured compounds, especially in consumer products.

More information about spray polyurethane foam:
http://www.epa.gov/dfe/pubs/projects/spf/spray_polyurethane_foam.html
More information on these and other chemical action plans:
http://www.epa.gov/oppt/existingchemicals

http://yosemite.epa.gov/opa/admpress.nsf/eeffe922a687433c85257359003f5340/b6930d85250395c185257871005ac462!OpenDocument

Dean Anthony Ullock

11/25/59 - 6/23/2011

Fairhope, Alabama

It is with great sorrow and a heavy heart that we relay to you that our beloved friend and colleague, Dean Ullock, passed away June 23, 2011 from a long and hard-fought battle with cancer. Dean worked for the US EPA as an out-posted On-Scene Coordinator stationed in Southern Alabama. Dean is survived by his wife Jamie and daughter, Marley. Please keep his family in your thoughts and prayers and pass along this message to anyone and everyone who knew Dean. The funeral services were held July 2, 2011 at Saint Lawrence Catholic Church in Fairhope, Alabama. In lieu of flowers, the family has requested donations be made to the American Cancer Society at *https://www.cancer.org/involved/donate/donateonlinenow/index*.

A tribute/memorial website for Dean and his family has been created on OSC.NET

Assistance to Firefighters Grant (AFG) Workshop

Learn About Important Changes to the AFG in FY 2011

Prepare now to apply for FY 2011 AFG funding! Important changes have been made to the AFG Program, and you need to know about them before starting your application. To learn the details and talk directly to AFG regional contacts, think about attending one of the many AFG Workshops being held in the next few weeks. View the AFG Workshop Schedules below for dates and locations. If you aren't able to attend a workshop, download and watch the Power-Point presentation (link below). It also explains the AFG Program changes and describes essential information that applicants need to know.

General Workshop Information

- Registration is **NOT** necessary
- Each workshop is approximately 2 hours in length
- AFG Regional Representatives should be contacted with any questions regarding workshops in their region. Regional contacts and telephone numbers are available at *www.fema.gov/firegrants/program/contact.shtm*
- Workshops will be conducted by AFG regional representatives. All workshops utilize the same PowerPoint presentation material which can be accessed by clicking on the link(s) below:
  FY 2011 AFG Workshop Presentation, *(PPT, 5955 KB)*
  FY 2011 AFG Workshop Presentation, *(PDF, 3740 KB)*
- If new/additional workshops are scheduled and confirmed, they will be added to the posted schedule
- All workshops are conducted free of charge
- *http://www.fema.gov/firegrants/js/workshop_schedule_july.html*

Fourth Annual E-Plan Users Group Conference

The 4th annual E-Plan Users Group Conference will be held on Wednesday, October 26, 2011 and Thursday, October 27, 2011 at the Embassy Suites Hotel of Charlotte, North Carolina.

AGENDA:
E-PLAN FOR FIRST RESPONDERS: E-Plan enhancements, R&D projects, best practices, training initiative, lessons learned

E-PLAN FOR COMPANIES: E-Plan online Tier II reporting tool, copy data from previous year, multiple years of facility records, industrial training program

Embassy Suites Hotel of Charlotte
4800 South Tryon Street, Charlotte, NC 28217
(704) 527-8400 or 1-800-362-2779 (toll-free number)
Website: http://www.embassysuitescharlotte.com/

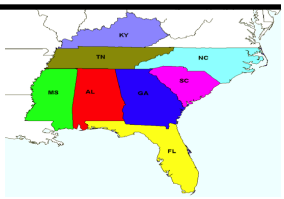
Should you have questions, feel free to contact Jenny Wall at 972-883-2631.

MEET THE STAFF

Karl Wilson

Karl Wilson is a new Federal Full-time Permanent employee in the EPCRA Section. He is originally from Columbus, Georgia. Karl is a graduate of the Georgia Institute of Technology with a B.S. in Chemical Engineering (2004). Prior to joining the EPA, Karl worked as an Environmental Engineer for the Georgia Environmental Protection Division in both the Land and Air Protection Branch. In Land Protection, Karl was responsible for overseeing permitting obligations along with conducting compliance inspections and enforcement at RCRA-regulated facilities that treat or store hazardous waste. In Air Protection, he was responsible for reviewing applications and issuing air quality permits for stationary sources as well as issuing Title V air pollution permits and Synthetic Minor source permits. Karl has also worked for a private environmental consulting firm as an Environmental Associate in the area of air quality management. At this position, he served as an air dispersion modeler and worked on several PSD-related projects. Also at this position, Karl helped to develop an environmental management system to reduce compliance issues for a glass manufacturing facility located north of Fresno, California. At the facility, he interacted with plant personnel, vendors, and local, state, and federal agencies in an effort to restore the facility's environmental credibility. Karl is thrilled to be a part of the EPCRA Section. He has a thirst for knowledge and is eager to learn new environmental concepts.

Would you like to submit a story and/or do you have suggestions for the EPCRA Newsletter? Contact Vinson Poole (404-562-9186 / poole.vinson@epa.gov).



Need Region 4 EPCRA Program information? Visit our website:
http://www.epa.gov/region4/air/epcra/

PROCESS SAFETY CORNER

A PLACE FOR RMP RELATED NEWS

Occupational Safety and Health Administration (OSHA) answers to a few questions pertaining to OSHA's Process Safety Management (PSM) standard found at 29 CFR § 1910.119.

Question 1: How long should Management of Change (MOC) documentation be kept under the PSM standard?

Response 1: The safe operation of chemical processes is based in part on the original design or design basis/intent of a process. The original design and design intent are used in the chemical industry as the basis for the fabrication, installation, start-up, operation, maintenance, and changes to a process. The development and use of the original design and design intent are *recognized and generally accepted good engineering practice* for covered processes and are explicitly required by OSHA PSM standards.

Consequently, it is important for continued safe operation that when employers contemplate changes to covered processes they have access to the original design or design intent for that process and its equipment. This is especially true as a result of high turnover of personnel who are responsible for the safety of these processes and who must know the design history and design intent, including any subsequent changes. Employers need this information so they may safely address the technical basis for any new MOC procedure and to determine, as a result, whether the safety and health impacts of any new MOC procedure have been adequately determined.

As PSM is a performance-oriented standard, 29 CFR §1910.119(l) does not explicitly specify the manner and the duration for which an employer must maintain MOC documentation. Because the original design, design intent, and all subsequent changes are important for the continued safe operation of a covered process, pursuant to 29 CFR § 1910.119(l)(4), MOCs addressing chemicals and equipment would become part of the *Process Safety Information* (PSI) , giving employers a documented record of, not only the original design and design intent of the covered process, but also providing a record of all changes to the process that are of importance to those responsible for safe operation and maintenance and to those that may need to consider future changes to the process. Consequently, MOCs for chemicals or equipment in a covered process must be retained for the life of the process through their incorporation in the PSI pursuant to 29 CFR §1910.119(l)(4).

If an employer conducts an MOC related to changing procedures and practices, OSHA would only require the employer to retain that particular MOC procedure until it is incorporated into the next process hazard analysis (PHA) revalidation or update required by 29 CFR § 1910.119(e)(6). Therefore, in this case the MOC retention time is based on the PHA revalidation schedule which is established through consultation with employees and could be up to a maximum of 5 years.

Further, per 29 CFR § 1910.119(o)(1), OSHA expects the employer to audit a representative number of the MOC procedures it has conducted. Therefore, the employer's MOC retention practices need to assure that a statistically-significant number of representative MOC procedures is available to be audited during the next compliance audit cycle conducted by the employer.

Question 2: The *Hot work permit* program under the PSM rule does not specify any record retention period. Is there any requirement to maintain a file of old or closed hot work permits so that an inspector can verify that the program is being followed?

continued on page 5

Response 2: The PSM standard does not require employers to maintain a file of old or closed hot work permits. 29 CFR § 1910.119(k), *Hot work permit,* does not require hot work permit record retention beyond completion of the hot work operations. Paragraph 29 CFR § 1910.119(k)(2) states in part, ". . . *The permit shall be kept on file until completion of the hot work operations*."

However, to comply with provisions under paragraph 29 CFR § 1910.119(o)(1), an employer must audit the procedures and practices required by PSM and assure they are adequate and are being followed. Since hot work permits are part of the hot work procedure, OSHA expects that employers would audit a statistically-valid number of hot work permits to assure they were completed and implemented per their procedure.

Question 3 Scenario: A facility has assigned valve identification numbers to all valves in a system and has tagged those valves with that identification number. It utilizes that valve identification number in its standard operating and mechanical integrity procedures.

Question 3: For the scenario above, does the facility also have to use the valve numbers in its lockout/tagout procedures, or may it use generic procedures, which merely state for example — close the suction valve and the discharge valve, i.e., generic procedures?

Response 3: 29 CFR § 1910.147(c)(4)(ii) states, in part, that the procedures must clearly and specifically outline their scope, purpose, and authorization, and the rules and techniques employees are to use for controlling hazardous energy, including, but not limited to, specific procedural steps for shutting down, isolating, blocking, and securing machines or equipment to control hazardous energy. In other words, the procedures must be documented in sufficient detail and provide enough direction so that employees can effectively follow the procedure and determine how to safely perform the servicing and maintenance activities. The lack of procedural clarity and specificity can result in employees failing to isolate the key valves, permitting exposure to the hazardous energy during the servicing or maintenance work.

Simply listing valves by their functionality (such as suction valve, discharge valve, etc.) may lead to confusion and error with respect to those valves that must be closed to effectively isolate hazardous energy, due to inadequate employee direction. Therefore, one way to meet this performance requirement, for the scenario above, would be to use the valve numbers in their lockout/tagout procedures to identify the particular valve(s) that must be closed, since these numbers are already integrated into the company's system procedures. In most situations involving piping systems such as those you have described, it will be necessary to identify the particular valve(s) that must be closed to effectively isolate hazardous energy before beginning the servicing and/or maintenance activity.

Alternatively, if an employer develops a generic procedure for the machines/equipment in its establishment and incorporates supplemental means to address the specific elements contained in paragraph 29 CFR § 1910.147(c)(4)(ii) for individual (or groups of similar) machines/equipment, the use of a generic procedure is acceptable. Some employers use checklists, placards, a work order system, or work authorization permit system to comply with the specificity provisions of the standard. These checklists, placards etc., when used in conjunction with a generic energy control procedure, would meet this performance-oriented requirement if: (a) the procedure and the supplement meet the requirements contained in this standard; and (b) if there is sufficient information to provide employees with adequate direction such that employees effectively can follow the procedure and safely perform the servicing and maintenance activities. Among other methods, this may be accomplished through the use of a system that links the specific valve(s) to be isolated via a numbering system or through a graphic style procedure (e.g., placards) that depicts the specific valve(s) to be isolated to a particular servicing and maintenance activity.

EPA REGION CONTACTS AND RELATED INFROMATION

USEPA Region 4
EPCRA Enforcement Section
Sam Nunn Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303

General Information
(800) 241-1754
(404) 562-9900

Chief
Caron Falconer
(404) 562-8541

Sr. Program Manager
Robert Bookman
(404) 562-9169

TRI Coordinator
Ezequiel Velez
(404) 562-9191

RMP Coordinator
Victor Weeks
(404) 562-9189

CEPP Coordinator
Bryce Covington
(404)562-9192

Chemical Emergency Preparedness & Prevention Office (CEPPO)
http://www.epa.gov/ceppo/ or
http://www.epa.gov/emergencies/index.htm

EPCRA Section 313 Toxics Release Inventory (TRI) Homepage
http://www.epa.gov/tri/

Compliance and Enforcement
http://www.epa.gov/compliance/index.html

National Response Center (NRC)
http://nrc.uscg.mil/ or 1-800-424-8802

Compliance Assistance Clearinghouse
http://cfpub.epa.gov/clearinghouse/

STATE COORDINATORS

ALABAMA
Erika White 404/562-9195
White.erika@epa.gov
FLORIDA
Bryce Covington 404/562-9192
Covington.bryce@epa.gov
GEORGIA
Deanne Grant 404/562-9291
Grant.deanne@epa.gov
KENTUCKY
Vinson Poole 404/562-9186
Poole.vinson@epa.gov
MISSISSIPPI
Deanne Grant 404/562-9291
Grant.deanne@epa.gov
NORTH CAROLINA
Vinson Poole 404/562-9186
Poole.vinson@epa.gov
SOUTH CAROLINA
Jyoti Bhushan 404/562-9182
Bhushan.jyoti@epa.gov
TENNESSEE
Bryce Covington 404/562-9192
Covington.bryce@epa.gov